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| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | | |
| EXAMINER | | | | |
| ROTH, LAURA K | | | | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/554,396

Applicant(s)

KATSUYAMA, GORO

Examiner

Laura K. Roth

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 16, 18 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 18 and 20-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/003)
Paper No(s)/Mail Date 6/2/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Objections

Claims 33-35 are objected to because of the following informalities: the phrase "a shape of arc" should be rewritten. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14, 16, 18, and 20-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al. (US Pub. 2003/0012586) in view of Kenmochi (JP Pub. 11-278467).

Regarding claim 13, Iwata et al. (US Pub. 2003/0012586) teach a storage container (fig.12) comprising: a bag made of a flexible material (fig.10, #31) and configured to store a predetermined substance (para.0073); a fold, along which the bag deforms into a predetermined shape and reduces in volume (fig.10, between #134b and #134c; see fig.8B) due to any one of when external pressure is applied to the bag, when internal pressure of the bag reduces, or when volume of the stored substance is reduced (para.0064), the bag having an opening at a lower portion thereof through which the stored substance exits the bag (fig.10, not labeled, bottom tip); and a sheet (fig.10, #134a) having a higher rigidity than the bag (para.0073 and para.0071), the

sheet being without folds and on a side of the bag which is perpendicular to the opening of the bag (see fig.10, #134a).

Regarding claim 14, Iwata et al. (US Pub. 2003/0012586) teach a storage container wherein the bag is a polyhedral having at least three surfaces, and the fold is formed so that one of the three surfaces on which the fold is formed is bent toward an inside of the bag (see fig.10 and 8A).

Regarding claim 16, Iwata et al. (US Pub. 2003/0012586) teach a storage container wherein the sheet is provided on an outer peripheral surface of the bag or integral with the bag (fig.11A&11B) and may have holes or recesses therein (fig.12-13C).

Regarding claim 18, Iwata et al. (US Pub. 2003/0012586) teach a storage container wherein: the sheet is configured to assist in deformation of the bag so that the bag is reduced in volume by being bent along the fold (fig.10, #134a, and see deformation in fig.8B).

Regarding claim 20, Iwata et al. (US Pub. 2003/0012586) teach a storage container wherein the bag includes two flat portions facing each other (fig.10, #31 portion to which #134a is attached and wall opposite thereto), and the sheet is fixed to at least one of the two flat portions (fig.10, #134a on both sides).

Regarding claim 21, Iwata et al. (US Pub. 2003/0012586) teach a storage container wherein the sheet is provided on an outer peripheral surface of the bag (fig.10, see #134a on #31).

Regarding claim 22, Iwata et al. (US Pub. 2003/0012586) teach a storage container wherein the sheet is provided on a largest surface of the bag (fig.10, see #134a on #31).

Regarding claim 23, Iwata et al. (US Pub. 2003/0012586) teach a storage container wherein the sheet is configured so as not to deform the fold due to pressure exerted when a user grasps the bag (fig.10, #134a works with #134b and #134c to not add rigidity so that the fold is not deformed).

Regarding claim 24, Iwata et al. (US Pub. 2003/0012586) teach an image forming apparatus (fig.5) that forms an image on a recording material using a consumable substance, comprising: a storage container (fig.10) includes a bag made of a flexible material (fig.10, #31) and configured to store a substance (para.0073), the bag including a fold along which the bag deforms into a predetermined shape and reduces in volume (fig.10, between #134b and #134c; see fig.8B) due to any one of when external pressure is applied to the bag, when internal pressure of the bag reduces, or when volume of the stored substance is reduced (para.0064), the bag having an opening at a lower portion thereof through which the stored substance exits the bag (fig.10, not labeled, bottom tip); and a sheet (fig.10, #134a) having a higher rigidity than the bag (para.0073 and para.0071), the sheet being without folds and on a side of the bag which is perpendicular to the opening of the bag (see fig.10, #134a).

Regarding claim 25, Iwata et al. (US Pub. 2003/0012586) teach an image forming apparatus wherein the consumable substance is a toner (para.0073).

Regarding claim 30, Iwata et al. (US Pub. 2003/0012586) teach a storage container further comprising: the substance which includes toner (para.0073).

Regarding claim 31, Iwata et al. (US Pub. 2003/0012586) teach a storage container (fig.10) comprising: a bag made of a flexible material (fig.10, #31) and configured to store a substance (para.0073), the bag including a fold along which the bag deforms into a predetermined shape and reduces in volume (fig.10, between #134b and #134c; see fig.8B) due to any one of when external pressure is applied to the bag, when internal pressure of the bag reduces, or when volume of the stored substance is reduced (para.0064), the bag having an opening at a lower portion thereof through which the stored substance exits the bag (fig.10, not labeled, bottom tip); and a means for keeping the bag flat (fig.10, #134a), the means having a higher rigidity than the bag (para.0073 and para.0071), the means being without folds and on a side of the bag which is perpendicular to the opening of the bag (see fig.10, #134a).

Regarding claim 32, Iwata et al. (US Pub. 2003/0012586) teach a storage container further comprising: the substance which includes toner (para.0073).

However, Iwata et al. (US Pub. 2003/0012586) fail to teach a plurality of at least one of recesses and holes which are arranged in a line on an outer peripheral surface.

Regarding claims 13 and 24, Kenmochi (JP Pub. 11-278467) teaches a storage container (fig.3) comprising a sheet having a rigidity (fig.3, #30), the sheet including a plurality of at least one of recesses and holes (fig.3, #42) which are arranged in a line on an outer peripheral surface (see fig.3, #42), are configured to receive fingers of a user and are for gripping the storage container (para.0024&0044).

Regarding claim 31, Kenmochi (JP Pub. 11-278467) teaches a storage container (fig.3) comprising a means for keeping flat having a rigidity (fig.3, #30), the means including a plurality of at least one of recesses and holes (fig.3, #42) which are arranged in a line on an outer peripheral surface (see fig.3, #42) and are configured to receive fingers of a user and for gripping the storage container (para.0024&0044).

Regarding claim 16, Kenmochi (JP Pub. 11-278467) teaches a storage container wherein the at least one of recesses and holes comprise: holes provided on an outer peripheral surface (fig.3, #42 on outer surface of #30).

Regarding claim 26, Kenmochi (JP Pub. 11-278467) teaches a storage container wherein the at least one of recesses and holes comprise: holes which are in front of a continuous portion (fig.3, see location of #42).

Regarding claim 27, Kenmochi (JP Pub. 11-278467) teaches a storage container wherein: the holes are configured to guide a user to a grasp position (para.0024).

Regarding claim 28, Kenmochi (JP Pub. 11-278467) teaches a storage container wherein: the holes comprise at least four holes (see fig.3, #42; para.0024).

Regarding claim 29, Kenmochi (JP Pub. 11-278467) teaches a storage container wherein: the holes of the sheet consist of exactly eight holes, with four holes at one side of the sheet and four holes at an opposite side of the sheet (para.0024; para.0051: though not explicitly stated exactly eight holes, four on each side, is both within the scope of the reference and optimal since using exactly eight holes would reduce the manufacturing cost while ensuring grip for four fingers on each hand).

Regarding claims 33-35, Kenmochi (JP Pub. 11-278467) teaches a storage container wherein: the line has a shape of arc (fig.3, #42: several holes form an arc shape).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the sheet of Iwata et al. (US Pub. 2003/0012586) by providing grip holes as seen in Kenmochi (JP Pub. 11-278467) in order to enable the bag to be safely lifted with a decreased risk of dropping it and without relying only on frictional force (abstract, problem to be solved).

Response to Arguments

Applicant's arguments with respect to claims 13, 24, and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura K. Roth whose telephone number is (571)272-2154. The examiner can normally be reached on Monday-Friday, 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David M Gray/
Supervisory Patent Examiner,
Art Unit 2852

/LKR/
10/17/2008